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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ARDESS M. BALLARD,

Defendant and Appellant.

B267015

(Los Angeles County
Super. Ct. No. BA432240)

APPEAL from a judgment of the Superior Court of Los Angeles County,
C. H. Rehm, Jr., Judge. Affirmed.

Thien Huong Tran, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury convicted defendant Ardess M. Ballard of second degree robbery (Pen. Code, § 211), and found true an allegation that the victim was a paraplegic (§ 667.9. subd. (b)).¹ In a bifurcated trial, the trial court found true allegations that defendant had suffered prior convictions for a strike offense (§§ 667, subds. (b)-(i), 1170.12, subds. (a)-(e)) and a serious felony (§ 667, subd. (a)(1)), and had served three prior prison terms (§ 667.5, subd. (b)). The court sentenced defendant to a total term of 20 years to life in state prison. He appeals from the judgment of conviction. We affirm.

BACKGROUND

Prosecution Evidence

After midnight on September 23, 2014, defendant robbed Alexander Slegg, a paraplegic, who was visiting Los Angeles from the United Kingdom on a trip sponsored by a charity organization for veterans. Slegg and two companions were on Hollywood Boulevard after having “too much to drink.” In search of a taxi, they passed defendant. Slegg was in his wheelchair. Defendant asked Slegg if he wanted to purchase some methamphetamine. When Slegg declined, defendant dropped a grey hoodie onto his lap, then picked up the hoodie, in the process taking Slegg’s wallet from his lap. Slegg grabbed defendant’s arm and shouted to his companions, who had walked ahead, for help. Defendant pushed Slegg, tipping over his wheelchair, and ran off.

Slegg righted himself and he and his companions gave chase, Slegg shouting “Thief, mugger,” and “Stop him.” Several strangers joined in the chase and defendant eventually was stopped. In a fight with defendant,

¹ Further section references are to the Penal Code.

Slegg managed to recover his wallet, but \$450 was missing. Slegg searched defendant, found \$227, and released him.

Los Angeles Police Officers Douglas Westphal and Justin Wilhelm responded to a radio call regarding a robbery suspect. Upon arriving at the scene, Officer Westphal observed defendant and ordered him to stop. Defendant ran off, but was captured. A search of his person recovered an additional \$221 in loose cash from inside his pants.

Officer Wilhelm advised defendant of his *Miranda* rights. During the booking process, defendant spontaneously said, “I don’t know how you’re going to charge me with robbery. I was just holding his wallet.”

Defense Evidence

Defendant testified that Slegg and two other men approached him and asked to purchase drugs. Defendant showed them two grams of cocaine wrapped in a dollar bill and asked for \$200. Slegg agreed, took the money from his wallet, and the exchange was made. Slegg left to catch up with his friends, who had walked ahead.

After Slegg wheeled away, defendant noticed money on the ground. He picked it up and was about to walk off with it when Slegg and his friends ran up, yelling at him to give back the money. Someone threw a beer bottle at defendant, striking him in the arm, and defendant fled. He later was apprehended by Slegg and his friends, along with others who joined in. The crowd beat him. After the beating stopped, he got up and started to walk away. The police arrived as he was walking away.

DISCUSSION

Defendant's appointed counsel on appeal filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, asking that this court review the record to determine whether any arguable issues exist. Defendant has been notified in writing of his right to file a supplemental brief. No such brief has been filed. We have examined the entire record, and in our independent analysis and judgment find no arguable issue. Consequently, we affirm the judgment. (*Wende, supra*, 25 Cal.3d at p. 443.)

DISPOSITION

The judgment is affirmed.

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WILLHITE, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.